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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Wendy Rae Garber
Takao AICHI et al.)	
	:	Group Art Unit: 2612
Application No.: 10/529,217)	
	:	
Filed: March 25, 2005)	
	:	
For: IMAGE SUPPLY DEVICE, RECORDING)		May 3, 2006
SYSTEM, AND RECORDING CONTROL:		
METHOD)	

Attn: Special Programs Examiner Krista Zele
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL — ACCELERATED EXAMINATION

Sir:

RELIEF REQUESTED

Applicants respectfully petition under 37 C.F.R. § 1.102 and MPEP 708.02(VIII) to make the above-referenced application special for accelerated examination.

FEE (MPEP 708.02(VIII)(A))

Please charge the petition fee of \$130.00 under 37 C.F.R. § 1.17(h) to Deposit Account

05/04/2006 100001 00000106 10529217
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06-1205. Any deficiency should be charged and any overpayment credited to that account.

STATEMENT RE SINGLE INVENTION/ELECTION (MPEP 708.02(VIII)(B))

Applicants respectfully submit that all claims are directed to a single invention and if such is not the case, then Applicants agree to make an election without traverse.

STATEMENT RE PRE-EXAMINATION SEARCH (MPEP 708.02(VIII)(C))

Applicants respectfully submit that a pre-examination search was made that was directed substantially to the claimed invention, as shown by the March 8, 2005 International Preliminary Report on Patentability from the PCT application, PCT/JP2003/15094, which examined Claims 1-33 as amended in an Article 34 Amendment attached to the International Preliminary Report on Patentability. The claims in the Article 34 Amendment in the PCT case that were examined in the International Preliminary Report are of the same or similar scope to the claims of the subject application found in the March 25, 2005 Preliminary Amendment. A copy of the International Preliminary Report on Patentability was filed with the application on March 25, 2005.

SUBMISSION OF MOST CLOSELY RELATED DOCUMENTS
(MPEP 708.02(VIII)(D))

Applicants respectfully submit that the documents deemed by Applicants to be most closely related to the subject matter encompassed by the claims are:

- (1) JP-A 2001-147790 ("JP '790");
- (2) JP-A 2002-211049 ("JP '049");
- (3) JP-A 6-19649 ("JP '649"); and
- (4) JP-A 2001-333363 ("JP '363").

Documents (2) and (3) were cited in the International Preliminary Report on Patentability, and in the March 25, 2005 Information Disclosure Statement, Document (1) was cited in the June 7, 2005 Second Information Disclosure Statement, and Document (4) is being cited in the attached May 3, 2006 Third Information Disclosure Statement. Copies of Documents (2) and (3) were submitted with the March 25, 2005 Information Disclosure Statement. A copy of Document (1) and an English-language translation thereof were submitted with the June 7, 2005 Information Disclosure Statement. English-language translations of Documents (1) through (4) are being submitted with the attached May 3, 2006 Third Information Disclosure Statement.

DETAILED DISCUSSION UNDER 37 C.F.R. § 1.111(b) and (c) (MPEP 708.02(VIII)(E))

Allowance of the subject application is respectfully solicited in view of the following remarks.

Claims 1 through 33 are pending, with Claims 1, 9, 17, 25, 27, 29, and 30 being independent.

Independent Claim 1 relates to a recording system in which an image supply device and a recording apparatus directly communicate with each other, and data is supplied from the image supply device to the recording apparatus to attain a recording process. The image supply device comprises an interface adapted to connect with a storage medium which stores image data and a first recording condition associated with a recording process of the image data, acquisition means for acquiring information associated with a function of the recording apparatus by communicating with the recording apparatus, setting means for setting a second recording condition associated with the recording process of the image data on the basis of the information

associated with the function, which is acquired by the acquisition means, and recording instruction means for issuing a recording instruction to the recording apparatus on the basis of the first and second recording conditions. The recording apparatus comprises recording control means for controlling to acquire image data stored in the storage medium in accordance with the recording conditions designated by the recording instruction means and to record the image data.

By this arrangement, any incompatibility in capability and/or function between the first recording condition that is stored in an image supply device, such as a digital camera, and a recording apparatus, such as a printer, etc., can be resolved when direct communication is attempted between the image supply device and the recording apparatus. In addition, this arrangement can prevent a printing problem due to the first recording condition stored in the image supply device being insufficient by itself to fulfill the printing conditions required by the recording apparatus. The present invention solves these problems by issuing a recording instruction to the recording apparatus on the basis of the first recording condition stored in the storage medium of the image supply device and on the basis of a second recording condition associated with the recording process of the image data based on information associated with a function of the recording apparatus.

In contrast, JP '790 is not understood to disclose or suggest at least recording instruction means for issuing a recording instruction to a recording apparatus on the basis of a first recording condition stored on a storage medium that also stores image data, and on the basis of a second recording condition associated with the recording process of the image data based on information associated with a function of the recording apparatus and acquired by acquisition means by communicating with the recording apparatus, as recited by amended Claim 1. Therefore, this

patent is also not understood to disclose or suggest recording control means for controlling to acquire image data stored in the storage medium in accordance with the recording conditions designated by the recording instruction means and to record the image data, as also recited by Claim 1.

Rather, this patent is understood to show the comparing of a set value contained in print data with a setting value set at a printer 103. If there is any discrepancy therebetween, the print data is understood to be edited so that the data is printable at the printer 103, and thereafter printing is executed. More specifically, paragraphs [0211] through [0220] are understood to disclose that printer information held in printers, etc., located at transfer destinations (color print information, description language, paper size, resolution, print status information, presence/absence of a decoder and type thereof, etc.) is received and then stored in a memory 67 of a PC 101 in response to a command from the PC 101 and that the PC 101 selects the optimum one or a plurality of printers based on the received printer information from one or the plurality of printers. Paragraph [0224] is understood to disclose that image information of picture data, which has already been input into the PC 101, is compared with printer information of transfer destinations, which is stored in the memory 67 (color print information, description language, paper size, resolution, print status information, decoder information, etc.), thereby permitting the selection of the optimum printer information. In addition, this document is understood to teach that a preferable optimum printer is or optimum printers are selected (Fig.5, S506) and that image data can be changed so as to be outputted in a format of the selected printer (Fig.5, S508-S514).

JP '049 is also not understood to disclose or suggest at least recording instruction means for issuing a recording instruction to a recording apparatus on the basis of a first recording condition stored on a storage medium that also stores image data, and on the basis of a second recording condition associated with the recording process of the image data based on information associated with a function of the recording apparatus and acquired by acquisition means by communicating with the recording apparatus, as recited by amended Claim 1. Therefore, this patent is also not understood to disclose or suggest recording control means for controlling to acquire image data stored in the storage medium in accordance with the recording conditions designated by the recording instruction means and to record the image data, as also recited by Claim 1. Rather, this patent is understood to disclose a control unit 103 that automatically groups a plurality of photographic image data, recorded in an external memory 110, into groups so that photographic image data taken within a predetermined time of each other are placed in the same group, a print unit 108 that prints images in a single group, and a display unit 107 to display the data in a single group.

JP '649 is also not understood to disclose or suggest at least recording instruction means for issuing a recording instruction to a recording apparatus on the basis of a first recording condition stored on a storage medium that also stores image data, and on the basis of a second recording condition associated with the recording process of the image data based on information associated with a function of the recording apparatus and acquired by acquisition means by communicating with the recording apparatus, as recited by amended Claim 1. Therefore, this patent is also not understood to disclose or suggest recording control means for controlling to acquire image data stored in the storage medium in accordance with the recording conditions

designated by the recording instruction means and to record the image data, as also recited by Claim 1. Rather, this patent is understood to disclose code conversion of a printer control code string outputted from a host computer so as to achieve correct printing of image information and character information transmitted from the host computer to a printer. This is understood to be accomplished by separating received printer-control-code signals into character information and image information, calculating the print area for each character and each image to determine whether the print area for the character and the print area for the image overlap, storing various kinds of character information included in the printer-control-code signal in a buffer when the printer area for the character and the image overlap, outputting from a character-information converting unit to the printer various kinds of character information other than that stored in the buffer with image information, and thereafter outputting the information stored in the buffer to the printer.

JP '363 is also not understood to disclose or suggest at least recording instruction means for issuing a recording instruction to a recording apparatus on the basis of a first recording condition stored on a storage medium that also stores image data, and on the basis of a second recording condition associated with the recording process of the image data based on information associated with a function of the recording apparatus and acquired by acquisition means by communicating with the recording apparatus, as recited by amended Claim 1. Therefore, this patent is also not understood to disclose or suggest recording control means for controlling to acquire image data stored in the storage medium in accordance with the recording conditions designated by the recording instruction means and to record the image data, as also recited by Claim 1. Rather, this document is understood to disclose an electronic camera that, prior to

transmitting an image file to a printer, creates a new file name (handle) for the image file that does not overlap the file names of other files, based on directory information, and generates and then transmits a batch file in which reproduction conditions for the information to be reproduced are described together with the newly generated file name, as discussed in paragraphs [0052], [0054], and [0069]

For these reasons, Claim 1 is understood to be allowable over JP '790, JP '363, JP '649, and JP '049.

Independent Claim 9 relates to an image supply device comprising an interface adapted to connect with a storage medium for storing image data and a first recording condition associated with a recording process of the image data, acquisition means for acquiring information associated with a function of a recording apparatus by communicating with the recording apparatus, setting means for setting a second recording condition associated with the recording process of the image data on the basis of the information associated with the function, which is acquired by the acquisition means, and recording instruction means for issuing a recording instruction to the recording apparatus on the basis of the first and second recording conditions.

In contrast, JP '790, JP '363, JP '649, and JP '049, are not understood to disclose or suggest recording instruction means for issuing a recording instruction to a recording apparatus on the basis of a first recording condition associated with a recording process of image data stored on a storage medium and a second recording condition associated with the recording process of the image data on the basis of information associated with a function of the recording apparatus acquired by acquisition means for acquiring information associated with the function

of a recording apparatus by communicating with the recording apparatus, as recited by amended Claim 9.

For these reasons, Claim 9 is understood to be allowable over JP '790, JP '363, JP '649, and JP '049.

Independent Claim 17 relates to a recording control method for recording by directly communicating an image supply device and a recording apparatus, and supplying data from the image supply device to the recording apparatus. The method comprises a storage step of storing image data and a first recording condition associated with a recording process of the image data in a storage medium, an acquisition step of acquiring information associated with a function of the recording apparatus by communicating with the recording apparatus, a setting step of setting a second recording condition associated with the recording process of the image data on the basis of the information associated with the function, which is acquired in the acquisition step, a recording instruction step of issuing a recording instruction to the recording apparatus on the basis of the first recording condition stored in the storage medium in the storage step, and the second recording condition, and a recording control step of controlling to acquire image data stored in the storage medium in accordance with the recording conditions designated in the recording instruction step and to record the image data.

In contrast, JP '790, JP '363, JP '649, and JP '049, are not understood to disclose or suggest at least a recording instruction step of issuing a recording instruction to a recording apparatus on the basis of a first recording condition stored in the storage medium in the storage step associated with a recording process of the image data in the storage medium, and on the basis of a second recording condition associated with the recording process of the image data on

the basis of information associated with a function of the recording apparatus acquired by an acquisition step for acquiring information associated with the function of the recording apparatus by communicating with the recording apparatus, as recited by Claim 17. Therefore, these documents are also not understood to disclose or suggest a recording control step of controlling to acquire image data stored in the storage medium in accordance with the recording conditions designated in the recording instruction step and to record the image data, as also recited by Claim -17.

For these reasons, Claim 17 is understood to be allowable over JP '790, JP '363, JP '649, and JP '049.

Claim 25 relates to an image supply device comprising an interface adapted to connect with a storage medium which stores image data and a first recording condition associated with a recording process of the image data, acquisition means for acquiring information associated with a function of a recording apparatus by communicating with the recording apparatus, setting means for setting a second recording condition associated with the recording process of the image data on the basis of the information associated with the function, which is acquired by the acquisition means, and transmission means for transmitting the second recording condition including information for designating the first recording condition to the recording apparatus.

In contrast, JP '790, JP '363, JP '649, and JP '049, are not understood to disclose or suggest at least transmission means for transmitting a second recording condition, associated with a recording process of image data on the basis of information associated with a function of a recording apparatus, acquired by acquisition means for acquiring information associated with the function by communicating with the recording apparatus, including information for designating a

first recording condition associated with a recording process of the image data stored on a storage medium, to the recording apparatus, as recited by Claim 25.

For these reasons, Claim 25 is understood to be allowable over JP '790, JP '363, JP '649, and JP '049.

Independent Claim 27 relates to a recording apparatus comprising transmission means for transmitting information relating to the functions of the recording apparatus to an image supply device, and reception means for receiving information to designate a first recording condition which the image supply device has. The information is designated by a second recording condition in accordance with the information relating to the functions of the recording apparatus. In addition, the information to designate the first recording condition is described as image data to be recorded in the second recording condition.

In contrast, JP '790, JP '363, JP '649, and JP '049, are not understood to disclose or suggest at least a recording apparatus comprising reception means for receiving information to designate a first recording condition which an image supply device has, the information being designated by a second recording condition in accordance with information relating to the functions of the recording apparatus transmitted by transmission means to the image supply device and described as image data to be recorded in the second recording condition, as recited by Claim 27.

For these reasons, Claim 27 is understood to be allowable over JP '790, JP '363, JP '649, and JP '049.

Independent Claim 29 relates to a control method of an image supply device comprising a reading step of reading image data via an interface from a storage medium which stores the image data and a first recording condition associated with a recording process of the image data, an acquisition step of acquiring information associated with a function of a recording apparatus by communicating with the recording apparatus, a setting step of setting a second recording condition associated with the recording process of the image data on the basis of the information associated with the function, which is acquired in the acquisition step, and a transmission step of transmitting the second recording condition including information for designating the first recording condition to the recording apparatus.

In contrast, JP '790, JP '363, JP '649, and JP '049, are not understood to disclose or suggest at least a transmission step of transmitting a second recording condition, associated with a recording process of image data stored on a storage medium, which also stores a first recording condition associated with a recording process of the image data, on the basis of information associated with a function of a recording apparatus acquired by an acquisition step by communicating with the recording apparatus, the second recording condition including information for designating the first recording condition to the recording apparatus, as recited by Claim 29.

For these reasons, Claim 29 is understood to be allowable over JP '790, JP '363, JP '649, and JP '049.

Independent Claim 30 relates to a control method of a recording apparatus, comprising a transmission step of transmitting information relating to the functions of the recording apparatus to an image supply device, and a reception step of receiving information to designate a first

recording condition which the image supply device has. The information is designated by a second recording condition in accordance with the information relating to the functions of the recording apparatus. In addition, the information to designate the first recording condition is described as image data to be recorded in the second recording condition.

In contrast, JP '790, JP '363, JP '649, and JP '049, are not understood to disclose or suggest a reception step of receiving information to designate a first recording condition which an image supply device, to which information relating to the functions of the recording apparatus is transmitted, has, wherein the information to designate the first recording condition is designated by a second recording condition in accordance with the information relating to the functions of the recording apparatus transmitted to the image supply device and is described as image data to be recorded in the second recording condition, as recited in Claim 30.

For these reasons, Claim 30 is understood to be allowable over JP '790, JP '363, JP '649, and JP '049.

For the Examiner's convenience, the prosecution history of the JP counterpart application is summarized as follows.

In the decision of refusal, the Examiner asserted that the invention does not involve an inventive step based on the following two points; that is, A: There is a disclosure of the first storage condition of the present invention in paragraph [0142] of (1) Japanese Patent Laid-open No. 2001-147790, and B: the storage condition is changed in paragraphs [0202]-[0205] thereof.

However, as for the reason A, there is not understood to be any disclosure in the cited reference that the first storage condition has been stored beforehand. Regarding the reason B, a printer according to the citation is understood to merely perform printing by changing the

property of image data (size, color information, compression state, etc.). Moreover, as noted above, this citation is not understood to disclose or suggest, recording instruction means for issuing a recording instruction to a recording apparatus on the basis of a first recording condition stored on a storage medium that also stores image data, and on the basis of a second recording condition associated with the recording process of the image data based on information associated with a function of the recording apparatus and acquired by acquisition means by communicating with the recording apparatus, as recited by amended Claim 1, and this citation is not understood to disclose or suggest the similar features recited in independent Claims 9, 17, 25, 27, 29, and 30.

REQUEST FOR INTERVIEW

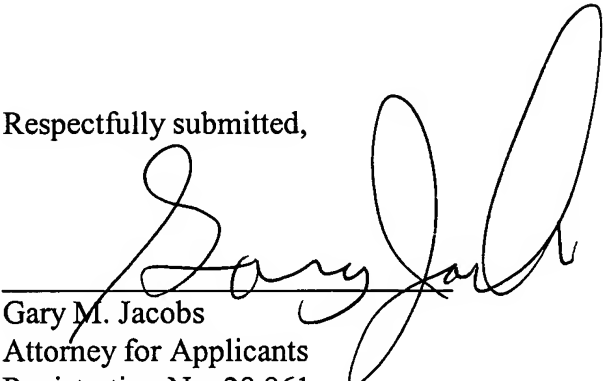
If any questions remain, Applicants respectfully request that the Special Programs Examiner contact Applicants' undersigned representative at (202) 530-1010.

CONCLUSION

In view of the foregoing, Applicants respectfully request that the instant petition to make special be granted.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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